

REMARKS

Reconsideration of the present application and the rejection of claims 1, 2 and 4-21 is respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated March 13, 2006 (Paper No. 02212006), and believe the application is now in condition for allowance or in better form for appeal.

Claims 1, 4-8, 11, 15, 16, 19 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Nikolich (U.S. Patent No. 5,115,944). Nikolich is owned by Applicant's assignee and represents a prior generation of the present technology. Specifically, the valve 16 is a traditional stem-type aerosol valve in which the amount of fluid dispensed is a function of the duration of depression of the stem. As long as the stem is depressed, fluid, in this case fuel, will be dispensed until the cell is empty. This is definitely not a metering valve with a separate fuel metering chamber configured so that when the valve stem is in the open position, only a measured amount of fuel is dispensed through the outlet, as recited, among other things in claim 1. The Examiner has referred to element 48 as the interior of the fuel metering chamber, but there is no metering function at all performed in that chamber as claim 1 now reads.

Regarding claim 15, Nikolich fails to disclose the container filling position wherein the stem is retracted further than in the open position to allow filling of a container within the housing through the outlet. Furthermore, claim 15 has been amended to recite,

among other things, said valve including a fuel metering chamber disposed in close proximity to said closure and configured so that when said stem is in said open position, only a measured amount of fuel is dispensed through said outlet, said fuel metering chamber being defined in part by a main seal forming a wall of said chamber. Not only does Nikolich fail to disclose a metering chamber as recited, Nikolich also fails to disclose such a chamber where the main seal provides a wall of the chamber.

Regarding claim 19, as amended this claim recites, among other things, a metering valve, which as asserted above, is totally lacking in Nikolich. Furthermore, claim 19 recites that the main valve stem has a diameter extending substantially lengthwise on said stem and a radially enlarged portion extending radially beyond said diameter, and said fuel metering chamber is provided with a lip seal constructed and arranged to engage said enlarged portion in said open position, but defining a fuel passage therebetween in said closed position. Accordingly, in view of the lack, in Nikolich of any disclosure of the recited metering chamber, the Section 102 rejection is respectfully traversed.

Claims 2, 9, 10, 12, 13, 14, 17, 18 and 21 stand rejected under 35 U.S.C. §103(a) as obvious over a combination of Nikolich and Tsutsui (US 6,202,900). To more clearly describe the present invention, claim 1, from which claims 2, 9, 10, 12, 13, and 14 either directly or indirectly depend, has been amended to recite, among other things, “said fuel metering chamber includes a body defined by two components, one of which having a

seal for engaging said main valve stem". As asserted above, Nikolich fails to disclose or suggest a metering chamber at all. The valve body 30 is shown as a single component. In Tsutsui, a metering chamber is disclosed, but the valve body 12, as in Nikolich, is unitary. An advantage of the presently claimed two component metering chamber body is that the metered dose may be changed by easily replacing one of the components of the body. Since Nikolich is not a metering valve, this issue would not occur. Tsutsui, with his unitary valve body integrally incorporating the metering chamber, has failed to recognize this design parameter, as well as the present solution. Accordingly, a combination of Tsutsui with Nikolich would fail to disclose or suggest the invention now recited in amended claim 1.

Claims 17 and 18 depend from claim 15, which as amended, recites among other things, that the fuel metering chamber is defined in part by a main seal forming a wall of said chamber. This element is evident from an inspection of present FIGs. 1 and 2. As stated above, Nikolich does not disclose a metering valve, or a metering chamber. Tsutsui discloses a metering valve, but its metering chamber is centrally located on the valve body, and is provided with O-rings rather than the main seal as now recited. Thus, even if one were to combine Nikolich with Tsutsui, the structure recited in claim 15 would be neither disclosed nor suggested.

Claim 21 depends from claim 19, which as amended recites, among other things that said main valve stem has a diameter extending substantially lengthwise on said

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stem and a radially enlarged portion extending radially beyond said diameter, and said fuel metering chamber is provided with a lip seal constructed and arranged to engage said enlarged portion in said open position, but defining a fuel passage therebetween in said closed position. Nikolich fails to disclose a metering valve or a metering chamber as recited. Tsutsui discloses a metering valve, but with a main stem having grooves cut into a main diameter. The O-ring seals engage the main diameter for sealing off the metering chamber. Stored fluid is emitted from the chamber only when the main stem places the grooves adjacent the O-ring seals. Thus, the structure of Tsutsui is distinct from the presently claimed metering valve, both in the type of seal and the manner of engagement between the main stem and the lip seal. Accordingly, the rejection based on a combination of Nikolich and Tsutsui is respectfully traversed.

The above amendments to the claims are believed to place the present application in condition for allowance. Allowance of the rejected claims is respectfully requested. Alternatively, the claims are submitted to be in better form for appeal. Should the Examiner discover there are any remaining issues which may be resolved by a telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the

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telephone number listed below, or Lisa Soltis, main attorney of record, at (847) 657-7980.

All correspondence should be directed to Lisa Soltis.

Respectfully submitted,

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